



Public Service Commission

State of North Dakota

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June 7, 2010

Mr. Jeff Fleischman, Director
OSM Casper Field Office
P.O. Box 11018
Casper, WY 82602-5004

Re: Eligibility Determination for 2010 Beulah KDKT Emergency Site

Dear Mr. Fleischman:

This letter is submitted under 30 CFR 874.12 as the required eligibility determination for reclamation of the land included in the proposed 2010 Beulah KDKT Emergency Site. This site is located in the SW¼ of Section 18, T144N, R87W, in Beulah, ND.

Eligibility Determination - 30 CFR 874.12

The requirements of this section of the Abandoned Mine Reclamation Program set forth the following criteria for eligibility for reclamation activities (paraphrased):

- a. Was the real property subjected to coal mining and related processes?
- b. Did the coal mining processes on the real property occur prior to August 3, 1977, and was said real property left or abandoned in an unreclaimed or inadequately reclaimed condition? and,
- c. Is there continuing responsibility for reclamation by the operator, permittee, or agent of the permittee under statutes of the State of North Dakota or the government of the United States?

Based upon available information, I find that the described real property was mined for coal, that the coal mining activity occurred prior to August 3, 1977, and that the property has been left in an abandoned and unreclaimed state. I further find that there is no continuing responsibility for reclamation by the operator, permittee or agent of the permittee under statutes of the State of North Dakota or the government of the United States.

Based on these findings, it is my opinion that the described real properties meet the eligibility requirements of 30 CFR 874.12 for abandoned mine reclamation.

Sincerely,

William E. Dodd
Assistant Director, AML Division

AML EMERGENCY INVESTIGATION

Type of Problem: Subsidence
Reported by: Guy Giuliano, Digital Syndicate Network, LLC
Address: Sedona, AZ, 86336
Telephone: 928-204-0567, 928-300-2086 (cell)
Date Complaint Received: June 1, 2009
Person Notified of Complaint: Bill Dodd
Address of Complaint: Near KDKT Radio Tower, 821 County Road 21
City: Beulah
County: Mercer
State: North Dakota

SITE INVESTIGATION

Date: June 3, 2009
Time: 10:45 – 11:15 A.M. CDT
Name of State Investigators: Bill Dodd and Bruce Johnson, AML Division
OSM Representative(s) Present: None
Others Present: None
Name of others contacted (Local, State, Federal, Insurance Agencies, Utilities, etc.):
James Graham, KDKT Radio, was contacted after the investigation

LOCATION OF SITES

Directions of locations (Describe Route):
Near the KDKT Radio Tower in the SW1/4 of Section 18, T144N, R87W, in Beulah, ND
USGS Quadrangle Name: Beulah, N. Dakota
Coordinates: Lat = 47.291004, Long = -101.762524

MINE INFORMATION

Mined by: Knife River Coal Mining Company
Duration of Mining: 1923-53
Type of Mining: underground
Seam Name: unknown **Thickness of Seam:** 12-22 feet

CONTINUING RECLAMATION RESPONSIBILITY

Permitted Operation: No **Permit Number(s):** N/A
Bond Status: Returned, Forfeited, Available: N/A
Amount: N/A
Date: N/A

PRESENT OWNER(S)

Surface Owner's Name: Digital Syndicate Network, LLC, KDKT Radio Station
Address: 821 County Road 21
City: Beulah
State: North Dakota
Zip Code: 58570
Telephone: 701-873-2215

Were the Property Owners Involved in the Mining: No
If yes, explain:

Date Property Acquired by Owner: April, 2005
If Potential Subsidence, Do Owners Have Insurance: No
If yes,
Agency:
Agent:
Address:
Phone Number:
Mineral Owner's Name: Unknown

AFFECTED PARTIES

The sinkhole is between the guy wire anchors of a radio tower and within 70 feet of the radio tower. It is also within 300 feet of the radio station building and within 500 feet of County Highway 21. It could threaten the stability of the tower and is a hazard to the present owners, the general public and anyone using this property.

SITE INFORMATION

Date that problem began or was first noticed:

The sinkhole was first noticed in an FCC inspection on May 14, 2010. According to the radio station manager, it wasn't there two weeks previous to the inspection. It was reported to the AML Division on June 1, 2010.

Is there any active mining or related activities in or around the area: NO
Several surface mines are located within 50 miles but have no effect on this site

Name of Operator(s):

Falkirk Mining Company, Coteau Properties Co., Dakota Westmoreland Mining Corp.

Nature of problem:

Void, Shafts, Slope, Entries, etc.

Source of problem:

Underground Mine

Potentially Affecting:

Persons: Estimated Number: 10+

Housing: none

Building: none

Estimated acres affected: less than 1

PROBLEM DESCRIPTION

Describe the problem (Detail: size, shape; Is problem spreading, expanding; first noticed, etc.)

On June 1, 2010, Guy Guliano, Digital Syndicate Network, LLC, notified Bill Dodd of a dangerous sinkhole near the radio tower of KDKT Radio Station in Beulah, North Dakota. The sinkhole was initially noticed in an FCC inspection of the radio station on May 14, 2010. According to Mr. Guliano, the sinkhole was 15-25' deep. He considered it an emergency and asked to have it filled as soon as possible.

Bruce Johnson and Bill Dodd (AML Division) conducted an inspection on June 3, 2010. The sinkhole was approximately 28 feet in diameter with an average depth of 12 feet and a maximum depth of 25 feet. The sinkhole is within 70 feet of the radio tower and is located between two of the guy wire anchors that support the tower. This sinkhole constitutes a serious and immediate hazard to the public and meets criteria as an AML emergency.

OTHER INFORMATION

Describe any other information available and its location (i.e., maps, inspections, reports, etc.)

Mine information and maps are available for this site.

ELIGIBILITY

Declaration of eligibility from State: ND Public Service Commission

Name: William E. Dodd, AML Assistant Director

Address: 600 E Blvd Ave., Dept. 408

City: Bismarck
State: North Dakota
Zip Code: 58505-0480
Telephone: (701)328-4101
Oral **Date** **Written X** **Date** June 4, 2010
Eligible: **YES X** (an eligible site must be mine related, abandoned with inadequate reclamation prior to August 3, 1977, and no continuing reclamation responsibility.)

REMARKS

Since this sinkhole is located on commercial property and reclamation will be limited to the immediate area of the sinkhole, no environmental resources will be affected.

ADDED VALUE

It is doubtful that reclamation of this site will add significant value to the property. However, remedial action to eliminate the hazard will protect the public.

PROPOSED REMEDIAL ACTION:

- Fill the lower portion of the hole with approximately 50 cubic yards of grout
- Remove all available topsoil from around the sinkholes
- Excavate the sinkholes with a backhoe
- Fill the remainder of the excavated sinkhole with fill dirt and compact to the best extent possible
- Regrade the areas to re-establish drainage away from the radio tower.
- Respread topsoil over the areas
- Reseed the disturbed areas

ESTIMATED COST: \$10,000

Investigator: William E. Dodd **Signature:** William E. Dodd 6-4-10
Address: 600 E Blvd Ave., Dept. 408
City: Bismarck
State: North Dakota
Zip code: 58505-0480
Telephone: (701) 328-4101

Project Title: 2010 Beulah KDKT Emergency
Number: to be assigned

**ABANDONED MINE LANDS
CATEGORICAL EXCLUSION DETERMINATION**

State: ND PA# ND014

Project Name: 2010 Beulah KDKT Emergency

Project Description: Abandoned Underground Mine Sinkhole Filling

Yes responses require submission of an environmental assessment.

I. GENERAL EXCEPTIONS

Does the project type specifically require an EA in 516 DM 6,

Appendix 8, as specified in Item I of the attached instructions?

No ☒ Yes ☐

II. DEPARTMENT OF INTERIOR EXCEPTIONS

Will the project have any of the following:

A significant adverse effect on public health or safety?

No ☒ Yes ☐

An adverse effect on any of the following unique geographic characteristics?

If yes, check the ones that apply.

No ☒ Yes ☐

☐ Parks (State, Local, or National)

☐ Wild or Scenic Rivers

☐ Recreation or Refuge Lands

☐ Wetlands

☐ Wilderness Areas

☐ Floodplains

☐ Ecologically Significant or Critical Areas

☐ Sole or Principal Drinking Water

☐ Prime Farmlands

☐ Aquifers

Highly controversial environmental effects?

No ☒ Yes ☐

Highly uncertain and potentially significant environmental effects or unique or unknown environmental risks?

No ☒ Yes ☐

A precedent for future action or a decision in principle about future actions with potentially significant environmental effects?

No ☒ Yes ☐

Directly related to other actions with individually insignificant but cumulatively significant environmental effects?

No ☒ Yes ☐

Adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No ☒ Yes ☐

Adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated Critical Habitat for these species?

No ☒ Yes ☐

Require compliance with Executive Order 11988 (Floodplain Management), Executive Order 11990 (Wetlands Protection) or The Fish and Wildlife Coordination Act?

No ☒ Yes ☐

Threaten to violate a Federal, State, Tribal or local law or requirement imposed for the protection of the environment?

No ☒ Yes ☐

III. RESOURCE IMPACT EXCEPTIONS

Are there any unresolved issues, or adverse effects requiring specialized mitigation, for any of the following resources? If yes, check the ones that apply.

No ☒ Yes ☐

- | | |
|---|--|
| <input type="checkbox"/> Topography | <input type="checkbox"/> Historic and Cultural |
| <input type="checkbox"/> Land Use (includes prime farmland) | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Soils | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Vegetation (includes wetlands) | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Hydrology | <input type="checkbox"/> Other (includes socioeconomics) |
| <input type="checkbox"/> Fish and Wildlife | |

IV. ATTACH CONSULTATION LETTERS AND A LOCATION MAP

V. RESPONSIBLE OFFICIAL CERTIFICATION

Signature: William E. Dodd Date: June 4, 2010

Name and Title: William E. Dodd, Assistant Director, AML Division

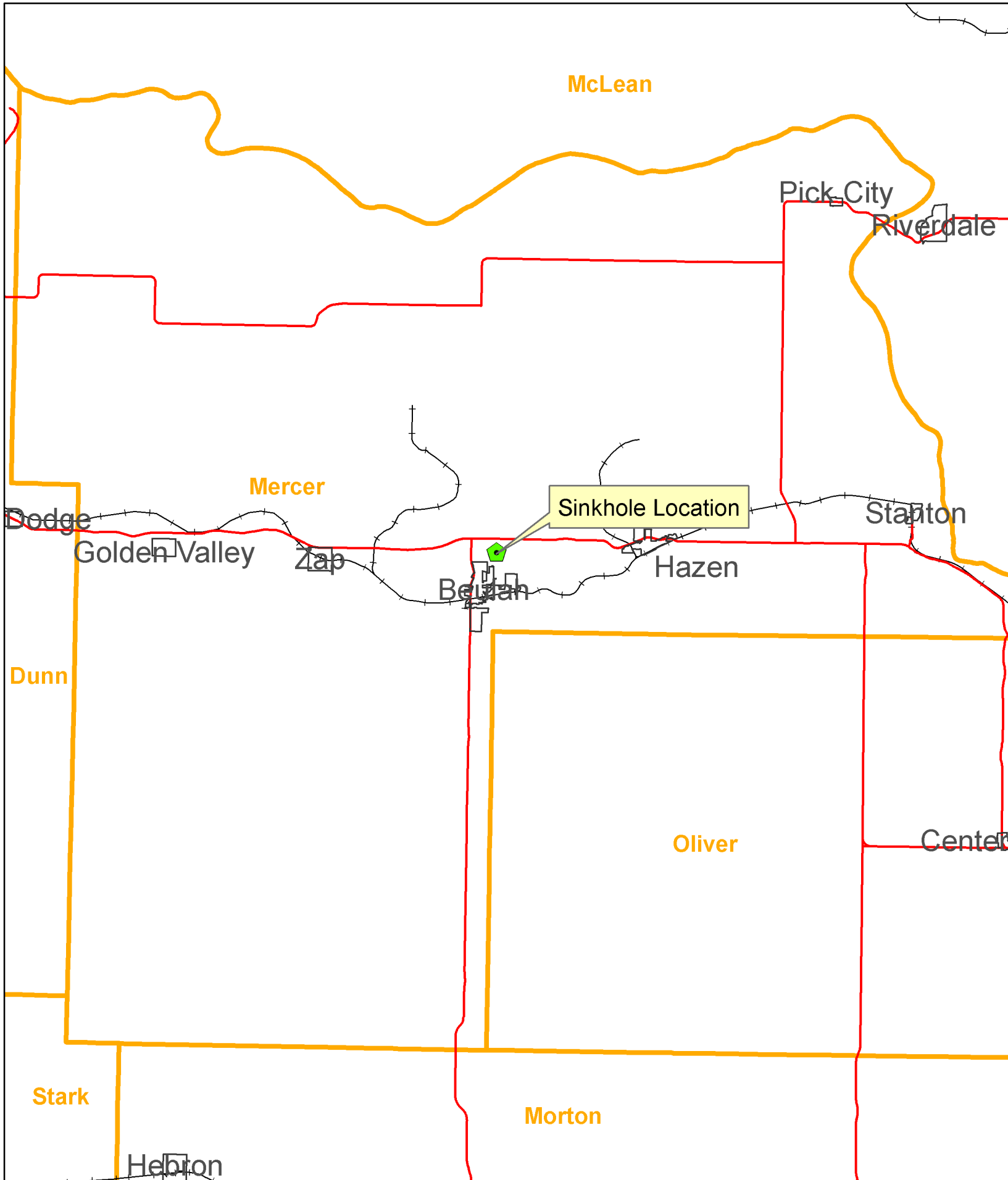
VI. OSM DETERMINATION

☐ This project conforms with the exclusion criteria in 516 DM 6, Appendix 8, and is excluded from further NEPA compliance.

☐ This project does not conform with the exclusion criteria in 516 DM 6, Appendix 8, and requires an environmental assessment.

Signature: _____ Date: _____

Name and Title: _____



ND PSC AML Division MIS
Overview Map of Radio Station KDKT Sinkhole
Beulah, Mercer County, ND
June 4, 2010



Sinkhole location - area determined by Garmin GPS 60 handheld GPS. Approx. 28' diameter, 12' avg. depth. Located 70' northeast of KDKT Radio tower.

Location of 300' tall broadcast tower

Beulah Radio Station KDKT Studio

Knife River Coal Mining Co. underground workings (from MIS - Mine Information System)



